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H – 690

International Court of Justice

H0690 – 0001

Feb May 13

"Raeder 4 of 6 Englisch

Notice.

Not to be published until presented before the tribunal in open court and then only that portion actually submitted as evidence.

Ne pas publier avant présentation devant le tribunal en audience publique et seulement la partie réellement versée au dossier.

Nicht zu veroeffentlichen vor Darlegung vor dem Gericht (Tribunal) in oeffentlicher Sitzung und dann nur jenen Teil, welcher tatsaechlich zur Beweisfuehrung uebermittelt wurde.

Не публиковать до того, как представлено на публичном заседании трибунала и только ту часть, которая представлена в качестве доказательства.

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I certify that none of the documents included herein have been denied by the tribunal and that this document book has been examined with the prosecution in accordance with the ruling of the tribunal dated 4 April 1946.

Je certifie qu'aucun des documents ci-inclus n'a été contesté par le Tribunal, et que ce livre de documents a été examiné par le Ministére Public suivant les règles du Tribunal, en date du 4 Avril 1945.

Ich bestaetige, dass keine der hierin enthaltenen Dokumente vom Gerichtshof abgelehnt wurden und dass dieses Dokumentenbuch gemeinsam mit der Anklagevertretung durchgesehen wurde, in Uebereinstimmung mit der Entscheidung des Gerichtshofes vom 4. April 1946.

Gustav Lüdemann.

Signature of Counsel

Signature de l'Avocat

Unterschrift des Verteidigers.

Filed May 22, 1946

(Page 289
of orig.)

RAEDER No. 65

Declaration of Attorney-at-law Dr. SIEMERS:

I herewith certify that the document below:

"HAAG convention concerning the rights and privileges of neutral powers in case of a sea war."

has been copied correctly from

REICHSGESETZBLATT, 1910

from page 359, articles 1 and 2.

Nuernberg, 19April 1946

(Dr. W. SIEMERS)

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of orig)

page 359

Article 1.

Belligerents are bound to respect the sovereign rights of neutral Powers and to abstain, in neutral territory or neutral waters, from any act which would, if knowingly permitted by any Power, constitute a violation of neutrality.

Article 2.

Any act of hostility, including capture and the exercise of the right of search, committed by belligerent war-ships in the territorial waters of a neutral Power, constitutes a violation of neutrality and is strictly forbidden.

(Page 291 of Orig.) Filed May 17 RAEDER No. 66

admitted for purpose use in argument only

Declaration by Attorney-at-law Dr. SIEMERS;

The enclosed document is an expert opinion entitled:

"International Legal Evaluation of the Norway Action."

written by the international legal expert, Dr. Hermann MOSLER, Boon on the Rhine, at present Nuernberg.

Nuernberg, 6 April 1946

(Dr. W. SIEMERS)

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INTERNATIONAL LEGAL EVALUTION OF THE NORWAY ACTION.

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1. During a war, combat actions may not be undertaken in the sovereign territory of neutral states, that is states not involved in the war. The sovereign territory of neutrals comprises national territory, coastal waters and the air above both.

The V. Hague Convention of 18 October 1907 referring to land warfare,

and the

XIII. Hague convention of the same date referring to naval warfare [1] are concerned with the rights and duties of neutrals and belligerents.

Neither agreement was formally in force in relation to the belligerents at the time of the occupation of Norway (Germany, Great Britain, France, Poland), because not all participants had ratified [2] and the agreements stood under the stipulation of total participation, that is it would apply only if all belligerents were parties to the treaty. [3] The basic provisions of both agreements which concern the character of the condition of neutrality, are therefore nothing but the cancellation of a naturally appropriate regulation, resulting from general persuasion of justice. Therefore one can draw conclusions about the international legal behavior of belligerents and of the neutrals from the basic rules of the agreement, even without their formal applicability.

The following principles apply to the territory of neutral powers:

Their territory is inviolable. The belligerents may not take through it in transit any troops or any material of war.

They may not establish any installations for intelligence on neutral territory nor use during the war any installations of this kind established by them before the war.

The neutral may not permit any of the actions described above. [4]

The following applies to coastal waters:

The belligerents must respect the sovereign rights of the neutral

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and must refrain from any action which the neutral would have to resist militarily in order to maintain its neutrality. 5)

2. a) Neutral territory and neutral coastal waters lose their neutral character if one of the belligerents uses them for acts of war. According to general legal interpretation, which is recognized not only by Germany, but also by the allied countries, the opponent of the belligerent, who violates the neutrality of a non-participant state, no longer needs to respect the latter. However, the presupposition is that the neutral is unwilling or unable to fulfil his obligations, that is, he does not maintain neutrality by his own means.

The condition of neutrality has legal effects not only between the neutrals and each of the belligerent parties, but it is also of importance in the relationship of the belligerents with each other. Because of the repercussions, which result for his opponent from a change in neutrality toward one of the belligerents neutrality has been designated as a three party legal relationship, which includes both parties and the neutrals. 6)

If neutrality is disturbed, then it is not of any importance for the reaction of the injured belligerent, whether the neutral did not want to guarantee the protection of his sovereign rights, because he has sympathies for the other belligerent, or whether he lacks the means for the purpose. The repercussions of the disturbance on the war situation gives the opponent the right to reestablish the equilibrium on his part. He thus undertakes an action which, seen superficially, signifies a violation of neutrality. However, that is not the case, because it is directed against the other belligerent who uses neutral territory for his actions of war. Although the neutral by this reaction suffers infringement of the exercise of his sovereign rights, he cannot complain about this, because his freedom of action had already been lost by the previous violation. His guilt in that connection is insignificant; the fact of the loss

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is decisive for the opponent, regardless of whether he intervened by agreement or without or against the will of the neutral. The legal title for the reaction of the belligerent in relation to whom the equilibrium assured by neutrality was shaken, is the right of self-preservation. This results from the character of international law as a legal order which recognizes no mutual superior power and no force for the reestablishment of the order in case of breaches of the law. The attempts by the League of Nations, and by regional as well as bilateral treaty systems since the first world war to limit the refuge of individual states to self-help, were too incomplete for the states participating in the league pact or other treaties to have availed themselves of the right to do what was necessary for their preservation and to decide on the necessity themselves.

The right of self-preservation has always been recognized as being compatible with the nature of the case, and has kept its place despite pacts for the prevention of war. This is especially indicated by the Circular Note of the American Secretary of State KELLOGG dated 23 June 1928. The note was addressed to the contemplated signatories of the anti-war pact and comprises the foundation on which the pact was constructed. In it KELLOGG explained thus:

> " There is nothing in the American draft on an anti-war treaty which restricts or impairs in any way the right or self-defense. That right is inherent in every sovereign state and is implicit in every treaty." 7)

The French government expressed the same attitude in its opinion of 19 July 1928:

> "Nothing in the new treaty either restricts or compromises in any way the right of self-defense."

Justice JACKSON in his opening speech before the International Military Tribunal on 21 November 1945 also refers to the "Right of Self-preservation" which he decribes as resistance against an act of aggression or aid given to a foreign state against such an act.

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This viewpoint is of considerable importance for the neutrality relationship. It means that the reaction against a violation of neutrality is directed against the enemy, not against the neutral, and that the fact of the violation, but not the behavior of the neutral is decisive. The reaction of the enemy within neutral sovereign territory is an act of self defense against the enemy who violates the neutrality, toward the neutral - insofar as he is not guilty of a violation of his neutrality obligation - an act which can be compared to a state of emergency, that is the injury to a disinterested third party for the preservation of legal property.

The Swedish Foreign Minister GUENTHER on 8 February 1940 made the following statements before the inter-parliamentary group of the Swedish parliament thus at a time when he certainly did not wish to recognize Sweden's neutrality obligations beyond the extent absolutely necessary:

> Many people wondered about the English avowal to respect Sweden's neutrality as long as it was respected by England's enemies. They find something inadequate in this. He believes that a misunderstanding exists here. For if Swedish neutrality is violated by Germany, for instance the capture of ships within the three-mile-zone, then from the English viewpoint, not the intervention by Germany in Sweden would be decisive, but rather the Swedish inability or lack of desire to resist this neutrality violation. Thereby, Sweden would cease to be neutral in relationship to England. Consequently, England would no longer need to treat Sweden as a neutral country. 9)

The following case are mentioned as examples and Precedents in international and allied practice from both judicial decisions and literature:

b) First World War

aa) As a result of the occupation of the port and city of SALONIKI by the Allies during the neutrality of Greece, Germany reacted by an aerial bombardment of the city. The German-Greek mixed court of arbitration (appointed pursuant to the Versailles treaty) had to take up the legality of the German procedure and determined:

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"The occupation of SALONIKI was an unauthorized act against Germany which permitted Germany to undertake the necessary military operations for her defense even Greek territory." 10)

bb) French naval forces at the time of Greek neutrality captured 4 Austro-Hungarian ships in Greek coastal waters because they served from Greek ports and coastal waters as bases to supply and equip submarines of the central powers. The French Naval Prize Court which had to decide about the legality of the capture, answered in the affirmative the question: Warlike acts were in question by which Greek neutrality was violated. The owners of ship and cargo can therefore insist on the neutrality of Greek waters against the measures of French naval forces.[11)]

C) Previous incidents.

aa) The fundamental question, in what cases a belligerent may undertake war-like actions on neutral territory because of dangers which threaten him from there, was brought up in the British-American negotiations about the well-known "Carolina-Case" (1837). In similar cases of later times, this is referred to again and again. During an insurrection, which broke out in Canada during the year 1837, British forces in American sovereign territory attacked the "Carolina" which had supported the insurgents from American territory, set it on fire and let it float down Niagara Falls. In the Anglo-American exchange of notes connected with this incident, concerning the legality of the British procedure, there was unity on the principle that the necessity of self-preservation under certain circumstances permits territorial violation. The presupposition is that the necessity of self-preservation "is urgent and imperative and leaves no choice of means".[12)] The conflict between the British government and the Canadian insurgents was actually no "war" in the legal sense in which the USA had the status of a neutral. However the viewpoints for the admissablity of making use of the territory of disinterested states were the same and were always treated so in practice and legal interpretation of later times.

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WHEATON states in reference to the Carolina Case that the violation of neutral territory by a belligerent justifies the enemy on his part to encroach on neutral territory. He puts the inablity of the neutral state to preserve its neutrality on the same basis as its deserved inactivity.[13)]

HERSHEY also sets forth the British and American principles of the Carolina Case as decisive for the violation of neutral territory in war.[14)]

bb) The following cases from the Russo-Japanese war of 1904 - 1905 which was available as the latest historical incident at the time of the conclusion of the 1907 agreement are therefore especially significant for its interpretation.

Japanese destroyers penetrated into the neutral Chinese port of TSCHI-FU, and gave the commandant of a Russian destroyer, which had previously fled there, the choice of either leaving the port or surrendering his ship to the Japanese. When the commandant thereupon gave the order for the destruction of the ship, the Japanese towed it out of the port.[15)]

Japan took it upon herself to react to the neutrality violation of the Russian destroyer by violation on her part of Chinese sovereignty in order to prevent China's weakness in preservation of her neutrality rights and obligations from being disadvantageous to Japan. After conclusion of the action, Japan considered the neutrality of the port reestablished.[16)]

Japanese naval forces in a large number of cases, undertook military operations in Korean waters. Insofar as the sojourn contrary to neutrality, of a Russian warship in Koreign sovereign territory was concerned, the legality of the Japanese actior on principle was not disputed; only the actual pressuppositions were not always free from doubt. A battle between Japanese forces against the Russian warships "VARIAG" and "KORIETZ" was considered a justified procedure.

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The Englishmen HALL writes about this that the Russian protest was unfounded since Korea, despite her neutrality proclamation was too weak to prevent the use by Russia of its sovereign territory. 17)

d) From leading international legal literature, which as a source of knowledge of legal standards if of considerably greater importance than the literature of national law, the following opinions must be mentioned, in addition to above mentioned testimony:

aa) The leading Austrian international lawyer VERDROSS states in his textbook of 1937:

"Should .... a neutral state be unwilling or unable to defend its neutrality against a belligerent, then the other belligerent may as well treat this territory as a theater of operations. 18)

bb) KUNZ, in his recognized textbook "Law of war and laws of neutrality" expresses himself likewise. 19)

cc) The leading French textbook by FAUCHILLE states on our question:

> "If one of the belligerents has, by his forces or authority, carried out an act of hostility in neutral territory, the other belligerent also acquires the right to carry out military operations there himself.
> In reality, there no longer exists any real neutrality, there is only pretended neutrality; the succession of hostile acts effectuated by enemy forces or authorities has deprived the territory "de facto" of the benefit of neutrality." 20)

dd) The textbook by OPPENHEIM-LAUTERPACHT in which the British viewpoint is represented, states:

> "Cases are possible in which part, or the whole, of the territory of a neutral state falls within the region of war. These cases arise in wars in which such neutral territories are the very objects of the war, as were Korea (then independent state) and the Chinese province of Manchuria in the Russo-Japanese war; or when a neutral state, either deliberately or because it has not at its disposal sufficiently strong naval forces, does not prevent a belligerent from committing hostilities in its territorial waters and making them a basis for military operations and preparations. These territorial waters become in consequence a part of the region of war, and the other belligerent may also commit hostilities there." 21)

3. The statements in 2. refered to the event that the sovereign territory of the neutral had already been violated by one of the belligerents before the other one on its part made use of the neutral area.

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This would therefore apply in the case of the occupation of Norway in respect to the mining of coastal waters, but not in respect to the occupation of "terra firma" by the allies.

There are no historical precedents from wars of the immediate past for a preventive action against imminent violation of the neutral area by the opposing side. A more remote, but very well-known case of preventive violation of neutrality which to this day is mentioned and discussed over and over, is the British attack on the Danish fleet and the city of COPENHAGEN in the year 1807. At the time, Great Britain wanted to prevent the use of Danish ships by France. The British Science of international law described this action as legal and in this connection established the following general principle, which is also applicable to the Norway action:

> "Such a case (that is the attack on COPENHAGEN) is in its character similar to the one in which a belligerent has definite knowledge that his enemy, in order to gain a strategic advantage, is about to have an army march through the territory of a neutral, obviously too weak for resistance; under these circumstances, it would be impossible to refuse him the right to anticipate the attack against the neutral territory." 22)

The reason for these principles, set forth by him, is found by WESTLAKE in the right of self-preservation according to which any state may oppose threatening violation of neutrality.

In harmony with this interpretation, the British government asserted during the recently past war the right of the preventive action on neutral sovereign territory when it occupied Iceland on 10 May 1940. In an official announcement, it justified its action with the possibility of a sudden German advance on Iceland. 23)

The presuppositions of preventive operations on neutral territory will have to be closely restricted in order not to shake the entire neutrality law by improper applications. From the viewpoint of self-preservation, one can rightly advocate the opinion that the neutrality violation which took place can with certainty be put on the same basis as the one to be expected or the one immediately imminent.

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Another interpretation would be unnatural and would establish demands which would not correspond to the character of a community of nations as a multitude of sovereign states with a still incompletely undeveloped mutual legal order.

The defense against an imminently threatening attack is in all civilized domestic legal systems an admissable act of self-defense, although the state has as its disposal the punitive and executory power against the violator of the law. In the community of nations which - at any rate at the beginning and during the past war - lacks enforcing power, the viewpoint of self-preservation is valid to far greater extent. One may say that it moreover is a part of the law at every level of society whether between individuals or social organizations. It is a matter to be clarified by historical events whether or not the information, available to the German High Command from the British or French side, about an imminent occupation of Norway was so concrete that the German occupation can be justified on the basis of international law as a preventive measure. If the French and British action against Norwegian territory was actually imminent, or if the German High Command had to consider it as certain after conscientious examination, then one can with good reason express oneself for the legality of the use of neutral Norwegian territory by Germany for the purpose of military operations.

4. The attitude of the neutral state proper does not have to be involved by the use of its sovereign territory for military operations. Practically it will only be possible for it to keep up its neutrality if the military operations can be localized or are temporary in nature. This was the case, for instance, in the incidents mentioned from the Russo-Japanese war.

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Germany upon her entry into Norway declared that she did not desire to lead her (Norway) into a state of war, that she rather was defending herself against the mining of Norwegian coastal waters and wanted to anticipate an immediately imminent landing by the British and French. If the Norwegian government like the Danish had accepted the occupation without armed resistance, then the neutral status of the country would have been maintained. However, the state of war was brought about by the battles between German and Norwegian troops. The declaration of war on Germany by the King of Norway confirmed this state of the case. The question of the German-Norwegian relationship has no importance for the appraisal of the legality of the German procedure. It is rather decisive only whether or not the German assertions about the mining and the landing plan of the Allies were actually correct. If this was the case, then a reaction was permissable. See No.5 about the admissibility of its extent.

It is not of importance in order to find reasons for the German right to reaction whether the Allies were in agreement with the Norwegian government or wanted to carry out their intentions against the latter's will (see above No. 2a). However, a possible agreement on the part of the Norwegians would have increased the danger for Germany and would have decreased the demands which must be raised for the admissibility of preventive action.

5. In <u>what relationship must the reaction stand to the previous violation of neutrality</u> by the opponent? Must it be limited to the removal of the violation or can the wronged state use the neutral territory according to its own appraisal in any possible way that appears appropriate?

The admissible reaction of the wronged belligerent against the violated neutral territory serves, as mentioned above, for equalization of the disturbed equilibrium in the neutrality relationship. From this it results

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that its purpose is to take from the enemy the advantage which he has won by violation of neutrality. This occurs either by driving out the enemy and reestablishment of the neutrality of the violated sovereign territory or by its use to an equal extent as by the enemy. Measures going beyond that are contrary to international law. If neutral coastal waters are being used by the enemy, then the opponent is permitted to expel him - compare the above-mentioned Japanese actions against Russian warships in Chinese and Korean ports and waters as well as the seizure of Austro-Hungarian ships in Greek waters during the first world war. Germany could react against the mining of the coatsal waters by which legitimate transit of German war and commercial vessels through Norwegian coastal waters was to be prevented, by preventing the use of Norwegian waters and ports by the enemy war and commercial fleet. This could be done by mining or by actions of naval forces in Norwegian waters. The use of the Norwegian mainland could be justified from the viewpoint of the use contrary to neutrality of Norwegian coastal waters, by the enemy insofar as the removal of the enemy violation of neutrality would have been impossible to carry out in any other manner. By no means, can the occupation of the entire national territory of Norway be justified by the mining.

However, if by the reasoning of the above viewpoints, the enemy operations threatened the Norwegian mainland proper or if Germany was forced to assume so - both are matters of proof of facts -, then the preventive occupation of Norway was admissible.

6. The Statute of the International Military Tribunal establishes punishment for Aggressive War under article 6 a).

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"Aggression", is not defined more exactly. Regardless whether an aggressive war is designated by the international law prevailing at the beginning and during the second world war as an offence on the part of the aggressor state and is charged to the perpetrators as a crime, one must qualify the conception in the way it is understood at the present stage of development of international law. Since it concerns facts from the sphere of international relations, measures which are permitted by international law, must be excluded from the concept. This is the case in regard to the preventive action on neutral sovereign territory under the mentioned presuppositions.

7. As it is shown by document C-115, the German naval forces had the order during the Norway action to camouflage themselves as British vessels as long as possible and to fly the British battle flag. According to document C-115, they were to fly the British battle flag during entry into Norwegian ports until the troops landed.

In the laws of war, the principle is generally applicable that friend and enemy must be clearly distinguishable in order not to be mistaken. The camouflage as friend takes from the fighter his capacity as a legitimate combatant. According to the customs of war, he does not enjoy any protection, and may be convicted summarily by the enemy into whose hands he falls.

In land warfare, during past times, the use of the enemy flag was considered permissible until the beginning of the attack proper.

The Hague convention on land warfare specifically prohibits the misuse of flags without restricting the prohibition to the fighting action proper. In consideration of the general mode of expression of the text some writers believe this regulation may be interpreted to mean that the misuse of flags is prohibited only during the fight proper.

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Thereby the general principle mentioned initially, that the fighting troops must be in a position to distinguish between friend and enemy is satisfied. 25) Many voices, however, are of the opinion that the misuse of enemy colors is not permitted in any case, not even before the battle.

In naval warfare, according to valid international law, this question is to be answered unequivocally. The principle that only from the beginning of the battle the true colors must be shown has been retained to this day. Although it has been attacked legally and politically, its validity has never been shaken. 26) Until the beginning of the battle, the naval forces of the belligerents may proceed without any, with an enemy or with a neutral flag. The neutral may prohibit the flying of his colors by the belligerents. The violation of the prohibition, however, concerns only the relationship between the belligerent, who is using the neutral flag and the state whose sovereignty it is falsely representing;however it does not diminish the admissibility of his action in the conduct of war against his enemy.

During the first world war, the German cruiser "EMDEN" provided itself for purposes of camouflage with a coat of gray paint and a fourth mock smokestack. According to British allegations, it flew the Japanese flag, and after suddenly flying the German battle flag, sank the Russian warship "ZHEMSCHUG". The international legal compilation of COBBETT - BELLOT, which comprises importatn cases of international law, designates the behavior of the "EMDEN" as "quite correct". 27)

British practice permits the use of false colors. 28)

The behavior of NELSON during the Napoleonic wars may be mentioned as a famous historical prededent which is still referred to today for the practice of the laws of naval warfare: While he awaited Spanish ships at the latitude of Barcelona he showed the French flag in order to entice them. 29)

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At the beginning of the battle at the latest, the national battle flag must be shown. The permissibility of strategem must at least come to an end at this time because otherwise the initially mentioned general principle of the laws of would be abrogated. This is obligatory common international law. 30)

Nuernberg, 23 March 1946.

Dr. Hermann MOSLER.

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Notes

1. Reichsgesetzblatt 1910, page 5 ff.

2. Poland did not join.

3. Article 20 of the agreement for land warfare, article 28 of the agreement for naval warfare.

4. Articles 1,2,3,5 of the agreement for land warfare.

5. Article 1 of the agreement for naval warfare.

6. BRUNS: The British Blockade and the Neutrals, Periodical for foreign public law and international law, Volume XI, 1943, page 511.

7. Von GRETSCHANINOW: Political Treaties, Volume I, page 242 ff, 244

8. Minister of Foreign Affairs, General Pact of Renunciation of War, 1927 - 1928, page 43.

9. Report in the SVENSKA DAGBLADET of 9 February 1940, dealt with BRUNS in the before-mentioned place.

10. Decision of 1 Dec 1927, COINCA FRERES versus Germany, Periodical for foreign public lawand international law, Volume II, part 2, page 62 ff., 64.

11. Decision of the "Prize Council" "Conseil de Prises" concerning the ships "KORONA", "MARIENBAD", "SABBADINO" and "SALONA", Revue generale de droit international public, 1920, Appendix page 10 ff.,12.

12. MOORE: A Digest of International Law" Volume II, 1906, page 409 ff.

13. WHEATON: Elements of International Law, 6th English edition, revised by KEITH, Volume II, 1919, page 932.

14. HERSHEY: The International Law and Diplomacy during the Russo-Japanese War, 1906, page 261.

15. SMITH-SIBLEY: International Law as Interpreted during the Russo-Japanese War, 1907, page 116 ff.

16. Official Japanese Statement about the Incident, Paters relating to the Foreign Relations of the United States 1904, page 139 f.

17. HALL: A Treatise on International Law, 8th Edition, 1924, page 722.

18. VERDROSS: International Law page 297.

19. From the year 1935, page 62 f.

20. FAUCHILLE: Treatise on Public International Law, (Traite de droit international public,) 1921, Volume II page 93.

21. OPPENHEIM LAUTERPACHT: International Law, 5th Edition, Volume II 1935, page 199.

22. WESTLAKE: International Law, part I, 1910, page 315.

23. Periodical for foreign public law and internationa law, Volume X, page 812.

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24. WHEATON: Elements of International Law, 5th English Edition, 1916, revised by PHILLIPSON, page 501.

25. See OPPENHEIM-LAUTERPACHT: International Law, 5th Edition Volume II, 1935, page 341 referring to a number of international legal authors.

26. See KUNZ: Laws of War and Neutrality, 1935, page 122.

27. Leading Cases on International Law, 4th Edition, Volume II, 1924, page 188.

28. HOLLAND: Prize Law, paragraph 200; see HALLECK: International Law, Volume I, 567, 569; Manual of prize law, 62.

29. WHEATON: in the before-mentioned place, page 580.

30. See all quotations mentioned.

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Appendix 4 to Document UK - 79 Filed May 17 RAEDER No. 67

309

Grand Admiral Dr. RAEDER
Commander-in-Chief of the Navy

Berlin-Charlottenburg,
Ulmenallee 8.

I had another detailed discussion, yesterday, with Quisling and am submitting to you in brief a few more details for the purpose of answering the questions which were put to me yesterday.

Unfortunately I stumbled against a door with my sore foot last night in the dark and am laid up again, otherwise I would have been very glad to speak to you today and report to the proper offices on the subject of yesterday's conversation.

So the question left to be decided would be whether or not we should recommend a reception for State Councillor Quisling. In this connection the decisive point would be consideration of the fact whether it is believed that the political tension in Scandinavia is such that we must count on an aggressive outbreak on the part of our enemy, with all the serious consequences which would follow therefrom, or whether we think that we can let things go on the way they have up to now; secondly, the question as to military technical possibilities, a question on which you alone are competent to express an opinion and, furthermore, what is thought of a possible surprise action to be carried through in Scandinavia proper.

I am sending you enclosed a memorandum and after you have looked through it, I should appreciate a telephone call from you at my home at number 89 33 29. Should you feel that you favor a reception by the Fuehrer and provided I am still unable to move around, I should have to ask you to introduce Quisling.

My purely personal impression is that if it is feasible to take action, such action should be taken.

Heil Hitler!

Yours truly

Reichsleiter Alfred ROSENBERG's
(unsigned) letter to Admiral RAEDER
of December 13 - 1939

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of orig)

Rejected

RAEDER No. 68
Defense Exhibit No.

Declaration by Attorney - at - law Dr. SIEMERS:

I herewith certify that the document below:
Cipher telegrams (decoded) from the records of the British Consul in Narvik

from White Book No. 4 of the Foreign Office,

Berlin 1940

Documents concerning Anglo-French policy of extending the war,

has been copied correctly from Group B, documents No. 1, 2, 3 and 4.

Nuernberg, 8 April 1946

(Dr. W. SIEMERS)

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Group B, Doc. No. 1

From Admiralty

To British Consul, Narvik 20065

British Consular Officer, Narvik, repeated Naval Attaché, Oslo, from D.N.I. Please report by telegraph harbor facilities of the port of Narvik including following details: -

(a) length of quays

(b) depth of water alongside

(c) height of quays above high water

(d) number of cranes or other facilities for unloading ships

(e) number and dimensions any transit sheds

(f) number of rail approaches to quays

(g) whether there is any flat ground in the immediate neighbourhood harbour

(h) dimensions of reported aerodromes SKATORRA and BARDUFOSS

(i) whether there are any roads to these aerodromes.

Use great discretion in making your investigations and repeat your telegraphic reports to Naval Attaché, OSLO.

T.O.R. 0930/30 T.O.O. 2018/29/12/39

Facsimile located same page as translation.

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Group B, Doc. No. 2

From the British Consul in Narvik to the British Consul in Tromsoe.

To Consul Cumming, British Consulate, Tromsø 20920.

Can you give me following information regarding reported aerodromes: at SKATORRA and BARDUFOSS, approximate dimensions, whether any roads lead to them are both available for land machines, distance from TROMSØ and NARVIK. Please treat as extremely confidential. GIBBS.

T. O.O. 1724/31/12/39

Facsimile located same page as original.

H0690 – 0029

Group B, Doc No. 3

FROM THE BRITISH CONSUL IN TROMSOE TO THE BRITISH CONSUL IN NARVIK

From Troms/

To British Consul, Narvik 44173

Your 1724 of 31st December. SKATTOEYRA is a Norwegian naval seaplane base situated on TROMS/ island about 4 miles north by road from the center of town. There is no landing ground for land machines and the hangars are not yet completed. Seaplanes lying at mooring buoys. Hangars erections is to accommodate 16 seaplanes.

BARDUFOSS is a Norwegian military air station situated some 45 miles northward of NARVIK by road and about 80 miles southward of TROMS/ by road. Dimensions landing ground unknown.

T.O.R. 1430/2 T.C.C. 1010/2/1/40

Facsimile located same page as original.

[redacted]

To British Legation, Oslo

To Admiralty, London 22280

Admiralty (for D.N.I.) repeated to Naval Attaché OSLO your 2018

29.December.

Ore Quay

(a) about 1200 feet
(b) 26 feet at low water
(c) 30 feet at high water; not suitable for discharging cargo but troops could be landed there.

Harbour Jetty

(a) 400 feet
(b) 29 feet at low water outside, only 18 feet inside jetty
(c) 8 feet at high water
(d) none
(e) 2 store sheds 45 by 8 yards and 50 by 8 yards, respectively, 2 floors each.
(f) single line passes across inshore end of quay.

Fagernes Quay

(a) 550 feet
(b) 21 feet at low water
(c) 6 feet at high water
(d) One 20 ton electric crane
(e) 190 by 20 metres, 2 floors

H0690 – 0030

H0690 - 0031

(f) double line alongside ship. 2 separate single lines connect them to main line also sidings abreast quay.

(g) no.

(h) SKATORRA is naval seaplane base on TROMSØ Island 4 miles north of town by road. No landing ground there. Hangars to accommodate 16 seaplanes not yet completed, planes lying at buoys. BARDUFOSS is military air station 45 miles northward of NARVIK by road and 80 miles southward of TROMSØ by road; exact dimensions unknown but reported to be not less than 600 metres each way.

Understand railway tunnels do not permit transport of aeroplanes.

Information from British Consuls at NARVIK and TROMSØ.

T.C.C. 1929/2/1/40

Facsimile located same page as original.

(Page 317
of orig.)

Filed May 17

H0690 - 0032

Raeder No. ..69....

Statement of Dr. SIEMERS, Attorney at Law:

I herewith certify that the following excerpt from Document C 21 - GB 194:

"War Diary of the Naval Operations Staff"
1st Section, Brochure 5, of 1 - 31 January 1940

is a true copy of page 80 - 93, 179, 147, and 201.

Nuernberg, 8 April 1946.

(Dr. W. SIEMERS)

H0690-0033

13 Jan.

1100

Tactical Discussion with the Chief of the Naval Operations Staff.

Particulars:

1.) . . . . . ;

2.) Preface to the "North" treatise of the OKW, which gives a general, preliminary view of German operational possibilities in the northern area. For revision of the treatise a specialist staff is being established by order of the Fuehrer, which is headed by a General of the Air Force, who at the same time will be entrusted with the execution of a potential operation. The Chief of Staff of the specialist staff is to be furnished by the Navy, the operations officer (Ia) by the Army.

The treatise is based on the thought that an English foothold in the Norwegian area would be intolerable for the German Operations Staff and that this development can possibly only be prevented through our forestalling England in the occupation of Norway. As the situation becomes increasingly strained through the Russo-Finnish conflict, anti-German feeling is growing in the Scandinavian states and would affect England favorably in case of an English invasion of Norway. A resistance by the Norwegians is hardly to be reckoned with. The possibility of such a development gains in probability, according to the treatise of the OKW, through the fact, that the present Norwegian government under the pro-English

H0690 - 0034

Jewish Prime Minister Hambro remains in office in violation of the Constitution through the failure to dissolve the Storthing on 11 January. According to the opinion of the OKW, the possibility moreover exists that a German attack operation in the West would give England a pretext for the occupation of Norway.

Instigation for the treatise of the OKW was given by the lecture of the Commander-in-Chief of the Navy before the Fuehrer on 12 December 1939, in which the Commander-in-Chief of the Navy, on the basis of his discussion with Mr. Qu. of 11 December, pointed out the great danger, which an English foothold in the Northern area would mean for German war operations, and pointed out the possibilities which could result for German operations because of the possible development of internal political conditions in Norway (see record of the discussion of the Commander-in-Chief of the Navy with Qu. and the lecture before the Fuehrer - War Diary Part C Brochure VII.)

The Chief of the Naval Operations Staff (Skl) harbors the firm conviction now as before that England intends the occupation of Norway in the near future in order to prevent completely all imports into Germany from the Norwegian-Swedish area and for the complete obstruction of German ocean and North Sea operations, in which connection she could count on the anti-German feelings of the Norwegians with the furthest quiet agreement of Norway, at least of the government and large parts of the population. This opinion is confirmed by special reports which the Chief of the Naval Operations

H0690 - 0035

Staff has received. As a further result of such an occupation, according to the opinion of the Chief of the Naval Operations Staff (Skl) the exercising of a very severe English pressure on Sweden would have to be expected with the goal of choking all exchange of goods to Germany and to force Sweden, if possible, to enter the war on the side of the Western powers. Such a development is considered as the gravest danger to Germany by the Chief of the Naval Operations Staff (Skl), because the occupation of Norway by England would decide the outcome of the war unfavorably for Germany.

. . . . . .

However, an occupation of Norway by Germany, on the other hand, without the danger of an English operation, would be a dangerous undertaking in a strategic and economic-political respect, according to Department 1 of the Naval Operations Staff (Skl), because after a German occupation of Norway the security provided by the neutral Norwegian waters would no longer exist, and because of the still weakened condition of the German naval forces the maintenance of the vital German ore imports from the Norwegian area, especially in the winter months, and the important sea-lanes to the northern bases and to and from overseas can no longer be assured.

In complete agreement with this point of view, the Chief of the Naval Operations Staff is therefore also of the opinion that the most favorable solution would doubtless be the maintenance of the present situation, which if strictest neutrality is exercised by Norway will permit the safe use of Norwegian territorial waters for the shipping vital to Germany's war effort without the attempt being made on the part of England to endanger seriously this sea-lane.

The development of the political situation in Norway, as well as the

H0690 – 0036

overall war situation cannot be predicted. It is, therefore, fundamentally necessary also that an occupation of Norway be included in the operational preparations of the total war effort, especially and that the Navy, which is so decisively concerned in this, make all preparations which are necessary for the fulfilment of the requirements devolving upon the Naval Operations Staff in as short a time as possible. The preparations are summarized in the "North" treatise.

. . . . . .

H0690 - 0037

(Page 322
of Orig.)

Rejected

Raeder No. ..79..

Defense Exhibit No. ....

Declaration by Attorney -at - Law Dr. SIEMERS:

I herewith certify that the document below:

M. DALADIER, the French Premier and Minister for Foreign Affairs, to M. CORBIN, the French Ambassador in London

from the

White Book No. 6 of the Foreign Office, Berlin 1941:

"Secret Documents

of the French General Staff"

has been copied correctly from page 43-44, document No. 18.

Nuernberg, 25 March 1946.

(Dr. J. SIEMERS)

H0690 - 0038

(Lines 1 - 14 incl.):

Telegram

Re: Action in Scandinavia

No. 151-156

Secret

Paris, 17 January 1940, 5.15 p.m.

The increasing pressure exerted by the Soviet forces on Finland and the more threatening attitude adopted by the U.S.S.R. towards Sweden and Norway oblige us to insist once more that the British Government should pursue a more active and more efficacious policy in the Scandinavian Peninsula.

(Lines 24-25 incl.):

The decision which the British Government communicated to the Norwegian Government on 6 January was presented to the latter,

H0690 - 0039

(Lines 1-16 incl.):

together with a complete legal justification, as one to be put into effect immediately and unconditionally. Norwegian objections had been foreseen. As I pointed out to you in my telegram No. 97-99 (not available), they could not, once our decision had been made known, weigh against the political and economic reasons on which it had been based.

The scope and the possible consequences of this decision went far beyond its immediate practical results. It could, in fact, set in motion a series of interdependent events which would result in an extension of our naval and military fields of action, enabling us to render direct and effective assistance to Finland and finally assuring us of the control of the Swedish ore deposits.

H0690 - 0040

(Lines 12 to end of page):

Every opportunity of establishing ourselves on a territory which is not yet closed to us, every pretext allowing us to take hold of a situation which admittedly will tend directly to prolong the war, must be immediately taken advantage of and utilized. The blockade of Norwegian waters on the one hand, and the Petsamo expedition on the other hand, offer us two of these opportunities.

I consider it necessary that, when you inform Lord HALIFAX of all the above considerations, you should request him to put before his Government the whole extent of the responsibilities that we should be assuming if, as the result of an attitude which is always too negative and too temporizing, we were to neglect the possibilities which we still have for positive and preventive action in a theatre which is of capital importance for the outcome of the war.

Ed. DALADIER

H0690 – 0041

Rejected

(Page 330
of orig)

RAEDER No. 72

Declaration by Attorney-at-law Dr. SIEMERS:

I herewith certify that the document below:

The director of naval intelligence to the Senior Naval Control Service Officer, Narvik

from White Book No. 4 of the Foreign Office,

Berlin 1940

Documents concerning Anglo-French policy of extending the war,

has been copied correctly from

Group C, espionage order of the director ofintelligence of the British Admiralty to the British Consul in Narvik, Document 2.

Nuernberg, 8 April 1946

(Dr. W. SIEMERS)

H0690 – 0042

Group C, document No. 2

The Director of Naval Intelligence to the Senior Naval Control Service Officer in Narvik.

31 January 1940.

Replies to the questions in the attached questionaire are requested as soon as possible. It would be convenient if items of information were forwarded, with reference to the relevant paragraphs, as they are obtained. It should be emphasised that no attempt to gather information should in any way compromise your position or arouse local suspicion. Much of that concerning port facilities, which is more urgently required, would no doubt become accessible during the course of ordinary work.

(Sgd.) GEOFFREY COOKE,

for D.N.I.

English original text located the same page as German translation.

H0690 – 0043

Rejected

(Page 337
of orig)

READER No. 74

Declaration by Attorney-at-law- Dr. SIEMERS:

I herewith certify that the document below:

Letter from the Assistant British Naval Attaché in Stockholm to the British Consul in Narvik,

from White Book No. 4 of the Foreign Office,

Berlin 1940

Documents concerning Anglo-French policy of extending the war,

has been copied correctly from Group C, document 1.

Nuernberg, 8 April 1946

(Dr. W. SIEMERS)

Letter from the Assistant British Naval Attaché in Stockholm

to the British Consul in Narvik

British Legation,
Stockholm
14th February, 1940.

Dear Consul-Captain--

This is firstly to introduce my confidential clerk, Maxton, whom I recommend to your mercy --

He brings with him a questionnaire which will provide much fun and jollity for the long winter evenings.

The orders from the Admiralty are that this is to be got through jildi jildi regardless of expense. I suggest, therefore, that you send one of your bright boys on to Tromsoe with his packet and that he should wait there for the answer and bring it back to you. Then you will send Smith, e.g., down to me with your answer and Tromsoe's, carrying the envelope under his shirt, for the fact of carrying a letter must not be known. In the meantime you will be obtaining a Swedish visa for Smith, e.g. for aller et retour and if there is any trouble about this please let me know by telegram - the reason for the visa to be recreation of course -

H0690 - 0044

H0690 - 0045

and it should be valid for at least four days as the journey takes two.

Im am instructing Maxton to obtain information as to question 11 on his way. I rather think that Oslo has the answer to 13 but anything you know to confirm may be useful -

How you are going to answer the others is best known to yourself but don't get yourself shot if you can help it.

Best love to you all, Maxton will give you all the news.

Yours

John Poland

May I have my rulers back, please? They are urgently needed here.

Facsimile located on same page as translation

H0690 - 0046

(Page 340
of orig)

Filed May 17

RAEDER No. 75
Defense Exhibit No....

Declaration by Attorney-at-law Dr. SIEMERS:

I herewith certify that the document below:

Letter of the Norwegian Foreign Ministry of 17 February and 15 February 1940 and enclosures

from White Book No. 4 of the Foreign Office,

Berlin 1940

Documents concerning Anglo-French policy of extending the war,

has been copied correctly from Group E, documents No. 1 and 4

Nuernberg, 8 April 1946

(Dr. W. SIEMERS)

H0690 - 0047

(Page 341
of orig)

(Group E, Doc.No.)

Foreign Ministry

Oslo, February 17, 1940
Strictly Confidential

Cooperation between Finland and En[illegible]and.
Norway's Position.

To the Minister of State:

I have the honor of informing [illegible]ou that the Embassy in Stockholm has stated the following in a conf'dential report of the 16th inst.:

"Through Colonel Bratt, I learned it is expected that England will come to an agreement with Finland. It is assumed that the English intend to land troops in Bergen, Trondheim and Narvik at the same time. It is believed that Churchill will carry out this plan as quickly as possible because of the ice in Oeresund and the difficulties which a larger part of the German fleet would undergo in attempting this passage."

For the Foreign Minister

(signed) O. TOSTRUP

Facsimile located same page as original.

H0690 – 0048

(Page 342
of orig)

Group E, Doc. No. 4

Foreign Ministry

Oslo, February 15, 1940
2 Appendices
Strictly Confidential

Neutrality of the Northern Countries.
Declaration of the British Naval Minister.

Minister of State:

I have the honor to submit to you a strictly confidential Report of the Embassy in London of the 5th inst. (No.372). A Copy with one piece of the addenda is enclosed.

For the Foreign Minister:

(signed) O. TOSTRUP

Facsimile located same page as original.

H0690 – 0049

(Page 343
of orig)

Copy

Royal Norwegian Legation

London, Feb. 5, 1940
No. 372
One Appendix
Strictly Confidential

Reports by Collaborators
of the Press at the Legation: Churchill.

To the Foreign Ministry:

I am sending you herewith copies of a letter Mr. Martinsen wrote to me on February 2.

Mr. Martinsen had previously told me that he and other members of the press had been invited to luncheon to meet Mr. Churchill. We were agreed that he (Martinsen) had to proceed very cautiously, and he certainly did so.

(signed) Erik Colban

. Facsimile same page as original.

H0690 – 0050

(Page 344, lines 1 to 14 incl.
of orig)

Copy
(from M. Martinsen, February 2, 1940)

Secret

To Norwegian Minister Colban,

Press representatives of all the Northern States were present at the luncheon given by Mrs. Philipmore for Mr. Churchill today at which the guest of honor gave vent to his feelings and was somewhat bitter about the manner in which his speech containing advice to the neutrals had been received. He closed with the suggestion that Norway and Sweden prepare to come to the assistance of Finland, that through their Ministers in London they should request help according to a secret plan which would be put before them. The plan, however, still required consideration.

(Page 344, lines 25 to 28 incl)

During the course of the conversation Churchill was very bitter over the reception the neutrals accorded his famous speech. But he understood our reserve and also that we were not prepared.

H0690-0051

I explained to him that we are no further than Britain was at Munich, atwhich he laughed bitterly.

He raged continually against Norway and Sweden, especially against Sweden. He had already "written Denmark off", for, he said, it would not be advisable to defend that country because "sooner or later it would be taken by Germany! "

Swedish ore should not be sent to Germany, Churchill said, maintaining that from Narvik it was carried inside the three-mile limit. Consequently he spoke in disagreable tones about Norway, and in conclusion named the three ships which, he stated, had been torpedoed within the three-mile limit. Once more I was obliged to contradict him. The Norwegian Foreign Minister had proved in the Storting, I told him, that the three ships had not been torpedoed and that two of them had sunk outside the three-mile limit. He had not heard of the report by the Norwegian Foreign Minister, a summary of which I sent to the Daily Herald, which had asked for it at the time. But it will hardly be printed now, for the belief was that the three ships were torpedoed within our territorial waters. Churchill wished to have the oil supplies from Rumania stopped, but he admitted that this was very difficult. He then went on storming about the Swedish ore, admitting, however, that if ore shipments were stopped " Stockholm would be bombed" the next day. He spoke with cynical slyness. After sitting deep in thought for some time, he agreed with me

H0690-0052

(Page 346,
lines 1 to 8 incl.
of orig)

that the Scandinavian statesmen had reason to think twice before plunging their countries and their people into disaster.

He agreed with Mr. Alexander that the best manner of dragging us into the war, which was the great object, would be for us to take sides with Finland.

H0690-0053

(Page 347,
lines 4 to 28 incl.
of orig)

He demanded that we promise to let no ship loaded with ore proceed from Narvik within the territorial waters. We might then present trough our Minister in London, our wishes with regard to imports and he would see to it that we were satisfied. He said that the sovereignty of Norway was guaranteed by Britain. He could not tolerate anybody taking possession of our coast.

He declared cynically that one might even quietly hope that the Northern countries would join the other side, so that one could choose the strategical points needed, and have done with it. This was a very nasty remark, and an icy silence ensued. Thereupon he assured us once more that he appreciated the difficulties of the neutrals and explained why the Allies must win the war. He added that the Germans under the Kaiser had been much stronger, that uncertainty was spreading in Germany, but would take time. He described in masterly fashion alleged cruel acts of the Germans at sea interpreting them as definite signs of weakness. He sincerely hoped that the Americas would join in guaranteeing peace and would cooperate in the solution of economic problems after the war.

H0690-0054

(Page 348
of orig)

Norway and Sweden, however, should discuss the line of action they could take in case of war and what they needed and expected for their support. This they were to make known through their Ministers in London. The earlier the better, he said. He emphasized the latter several times.

Sincerely yours,

(Signed) M. Martinsen

Facsimile same page as original.

H0690-0055

(Page 352
of Orig.)

Filed May 17

Raeder No. ...77..

Defense Exhibit No. ....

Declaration by Attorney - at - Law Dr. SIEMERS:

I herewith certify that the document below:

" M. DALADIER, the French Premier and Minister for Foreign Affairs, to M. CORBIN, the French Ambassador in London"

from the

White Book No. 6 of the Foreign Office, Berlin 1941:

"Secret Documents

of the French General Staff"

has been copied correctly from page 47-49, document No. 21.

Nuernberg, 12 March 1946.

(Dr. W. SIEMERS)

H0690-0056

(Lines 6 to end of page):

4. There is just one po[illegible] which might help to modify the Swedish Government's attitude, namely, the certainty that the Allies are in a position to fu[illegible]nish them with immediate and effective assistance against [illegible]y German counter-action. It must not be simply a matter of pro[illegible]ses or mere as urances even for the near future. Only the ac[illegible]al presence on the frontiers of forces ready for immediate action would be at all likely to have a favourable effect upon Sweden's final decision.

5. The occupation of the principal Norwegian ports and the landing in Norway of the first Allied detachment would give Sweden this initial element of security. This operation should be planned independently of the Finnish appeal and carried out as quickly as possible along the same lines as the Altmark affair.

6. Norway, by permitting and protecting the passage of an armed German vessel carrying British prisoners through her territorial waters, has seriously failed in her obligations as a neutral State. The British Government are entitled to demand reparations and guarantees.

H0690-0057

In particular, to request the internment of the Altmark and her crew, and to notify the Norwegian Government that henceforth the British Government will take over the surveillance of Norwegian waters, the inviolability of which the Norwegian Government have continually shown themselves incapable of maintaining.

7. If, as is very probable, this demarche meets with a refusal on the part of Norway, the British Government, taking cognizance of Norway's default, will immediately secure the bases which are necessary for the safeguarding of their rights. This occupation of the Norwegian harbours should be carried out as a surprise operation by the British Navy alone or with the cooperation of the French Navy, without the participation of the Allied detachments intended for Finland. Its justification in the eyes of the world will be all the easier the more quickly it is done and the greater the extent to which the very recent complicity of Norway in the Altmark affair can be exploited for propaganda purposes.

8. There is no need to emphasize either the repercussions such an operation will have in Germany and Russia, or the confusion that it will cause there. British detachments, as strong as possible, accompanied if necessary by French detachments, will have to be landed immediately and concentrated in the occupied harbours, so that, as soon as Finland calls for help, Sweden will have, in the actual presence of these troops,

H0690-0058

guaranteeing the later arrival of fresh French and Polish contingents, the tangible pledge of the support that we shall be able to give her if she herself goes to Finland's assistance or allows us to do so.

9. On the supposition that she continues to refuse this and that the approaches to Finland remain closed to us, we shall retain the advantage of having taken up a position in the North dominating Germany, of having stopped the transport by sea of Swedish minerals, of being within flying range of Sweden's mineral deposits, of being on the spot in order to guard against later developments of German and Russian enterprises in Scandinavia. We must not forget that our principal objective remains that of cutting off Germany's ore supplies, and that no Allied action in Scandinavia can be justified in relation to the general plan of the war except inasmuch as it be directed towards this objective.

10. It is very probable, on the contrary, that if we do not exploit the Altmark affair to the point of immediately securing pledges and seizing bases in Norway, Sweden, fearing Germany on the one hand and doubting the efficacy of our help on the other, will not respond to Finland's appeal and will close her territory to us. The entire expedition which we have planned and prepared will prove abortive before we have even commenced to put it into execution, leaving Germany, Russia, and the neutral countries to realize to the full our impotence to proceed from mere words to effective action.

Edouard DALADIER

H0690-0059

(Page 357
of orig.)

Filed May 17

RAEDER No. 78

CERTIFICATE

I, Hans MECKEL, Fregattenkapitän, Assistant Defense Counsel, hereby certify that the attached document, consisting of

1 typewritten pages

..... photostated

entitled:

War Diary, Naval Operations Staff, Part A 1940
K T B S k l Teil A 1940

is a true copy of War Diary of the Naval Operations Staff Part A, 1940 which the British Admiralty made available to me as an original document captured by Allied military forces.

.....

H0690-0060

4 March The German delegation in Norway reports, in connection with the Altmark case, that a defense against English military actions through Norway is not possible. There is a prohibition on the part of the Norwegian command against firing on superior forces without permission. English tradition is strongly pernounced in the Norwegian navy, moreover, the officers lack the spirit to defend their neutrality seriously.

Further reports from Norway say that in case of a forth coming change of Government, a Hambro-Mowinkel cabinet would be prepared to declare that it would " allow the Western powers the right of passage in accordance with article 16 of the covenant of the League of Nations."

H0690-0061

(Page 359
of Orig.)

Filed May 17

Raeder No. ...49...

Defense Exhibit No. ....

Declaration by Attorney - at - Law Dr. SIEMERS:

I herewith certify that the document below:

"Exposé by General GAMELIN, Commander-in-Chief of the French Army"

from the

White Book No. 6 of the Foreign Office, Berlin 1941:

"Secret Documents of the French General Staff"

has been copied correctly from page 53-57, document No. 23.

Nuernberg, 12 March 1946.

(Dr. W. SIEMERS)

H0690-0062

(Line 19 to end of page):

For this purpose Major GAMELIN was sent to the Finnish Commander-in-Chief. On 20 December 1939 he left France for Helsinki, whence he returned on 20 January 1940.

From 16 January onwards, the French High Command had been working on the general outline of a plan for armed intervention in Finland. An essential part of this plan was the landing of Allied contingents at Petsamo. At the same time, if necessary,

H0690-0063

and as a matter of precaution, the harbours and aerodromes on the west coast of Norway were to be seized.

On the strength of the results obtained, the plan provided in addition for the possibility of later extending the operations to Sweden, and of occupying the ore mines of Gallivare, an important source of ore supply for Germany. At the same time a new line of communication would thus be established via Narvik --Luloa.

The plan for the Petsamo operation coincided with that which Marshal MANNERHEIM had explained to Major GENEVAL.

During the course of semi-official conversations, the British High Command appeared to have come round to our point of view.

However, during the Inter-Allied military discussions on 31 January and 1 February, preceding the meeting of the Supreme Council on/February, the British, relegating the problem of direct help for Finland to the background, showed themselves to be altogether in favour of an operation against the ore mines in the north of Sweden, with the result that, at the outset at least, only part of the forces employed were to be passed into Finland. Thus, the idea of the Petsamo operation was practically abandoned, being regarded as of secondary importance and contingent upon other events.

5

H0690-0064

(Lines 1 to 6 incl.):

This point of view prevailed [illegible] the Supreme Council. Preparations were immediately commenced for the Scandinavian expedition, and the Franco-British troops were ready for embarkation at the beginning of March.[1])

The direction of the operations to be undertaken in Scandinavia was entrusted to the British High Command. This could not, apparently, be otherwise arranged.

- -

Footnote:

[1]) The first detachment of French forces (a brigade of Alpine Rifles) was ready to leave barracks on 26 February and to embark from 1 March onwards. An advance guard, in the event of a surprise attack on Petsamo, could have been dispatched much earlier.

H0690-0065

(Line 8 to end of page):

The extension of the war to a fresh area in the North is of outstanding interest from the point of view of its conduct. Quite apart from the moral advantage, the blockade would be tightened, the stoppage of ore supplies to Germany in particular being of capital importance.

Regarded from this point of view, operations in the Balkans, combined with a Scandinavian expedition, would still further intensify the economic throttling of the Reich. Germany's only access to the outside world would then be her frontier with the U.S.S.R., and the effective utilisation of Russian resources does not appear to be possible for some time to come.

Nevertheless, as regards military action, operations in the Balkans[2]) would be of greater value to France than an action in Scandinavia. The general theatre of war would be considerably extended; Yugoslavia, Rumania, Greece, and Turkey

---

Footnote:

2) This question is, of course, bound up with the attitude of Italy.

H0690-0066

(Lines 1 - 11 incl.):

would bring us reinforcements of about 100 divisions[1]). Sweden and Norway would only afford us a small measure of assistance amounting to about 10 divisions. The forces which the Germans would be obliged to withdraw from our north-east front, in order to counter our action, would no doubt be in the same proportion.

The advantages of extending the war to a fresh area in Scandinavia are, however, incontestable, but it is important not to understimate the technical difficulties involved.

Footnote:

[1]) Apart from the question of Rumanian oil, which could be either protected or destroyed, and of the oil in Transcaucasia.

H0690-0067

(Lines 7 - 16 incl.):

Help for Finland, which has been in progress since the month of December as far as material is concerned, can from now on take the form of military operations through the dispatch of Allied troops.

Apart from French and Polish contingents (15,000 men), the British have made provision for the dispatch of 6 or 7 divisions[2]) to Scandinavia. This represents altogether at least 150,000 men. This estimate, which absorbs all the new British formations[3]), cannot apparently be exceeded at the present time, in consideration of the difficulties of transport and the capacity of the Norwegian harbours.

Footnotes:

2) Very confidential information given me by General IRONSIDE, these being his estimates, which have not been sanctioned by the War Cabinet.

3) One active division would have to be withdrawn from France.

H0690-0068

(Page 368
of Orig.)

(Lines 5 - 15 incl.):

In the General's own handwriting:

We must, therefore, resolutely pursue our plans in Scandinavia in order to save Finland, at least in order to seize the Swedish ore and the Norwegian harbours.

But, from the point of view of war operations, it is obvious that the Balkans and the Caucasus, where Germany's oil supplies can also be cut off, are of greater value to us. Italy, however, holds the key to the Balkans.

M. GAMELIN

H0690-0069

(Page 369
of Orig.)

Filed May 17

Raeder No. ...30...

Defense Exhibit No. ....

Declaration by Attorney - at - Law Dr. SIEMERS:

I herewith certify that the document below:

"Minutes of the Scandinavian Committee of the Inter-Allied Committee for Military Studies"

from the

White Book Nr. 6 of the Foreign Office, Berlin 1941:

"Secret Documents

of the French General Staff"

Has been copied correctly fr page 58, document No. 24.

Nuernberg, 13 March 1946.

(Dr. W. SIEMERS)

H0690-0070

(Lines 1 to 5 incl.):

Minutes of the Scandinavian Committee of the Inter-Allied Committee for Military Studies

No. 926 S/CEMI

Very Secret

London, 11 March 1940

The Landing in Narvik

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(Lines 18 to 24 incl.):

Mr. Winston CHURCHILL visualized a flotilla comprising a cruiser and several destroyers appearing before Narvik and quickly putting ashore the equivalent of a battalion. This should take place before the arival of the first contingent of troop transports. It is to be understood that the whole operation would be carried out by British forces.